

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12504 of Mr. & Mrs. William L. Savoy, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to permit a day care center and for a variance from the lot width requirements (Sub-section 3301.1) in the R-2 District at the premises 5536 Jay Street, N. E., (Square 5214, Lot 52).

HEARING DATE: October 19, 1977
DECISION DATE: November 2, 1977

FINDINGS OF FACT:

1. The subject property is located at 5536 Jay Street, N. E. and is in an R-2 District.
2. The subject lot is 30 feet by 150.60 feet, containing 4,518 square feet and is unimproved.
3. The subject lot is bordered on both sides by one vacant lot. The predominant housing type surrounding the site is comprised of detached dwellings of brick and wood frame construction. At the rear of the lot is an unimproved fifteen foot alley.
4. Plans submitted indicate that the proposed day care center will be located in a two story structure with a basement. The structure will be set back approximately 72 feet from the sidewalk. The front yard, approximately 3,460 square feet, will be devoted to exterior play space. The interior space approximates a total of 2,100 square feet of which approximately 1,300 square feet will be devoted to interior play space. Two parking spaces are proposed at the rear of the building. Access will be provided by a fifteen foot wide alley.
5. The day care center is presently operating out of the New Mount Olive Baptist Church at 710 - 58th Street, N. E. It has been at that location for four years but the lease is not being renewed.

6. The proposed center will be known as the Savoy Child Development Center. It will operate from 7:00 a.m. to 6:00 p.m., Monday through Friday.

7. No more than 25 students from the ages of two to five will be enrolled at the center.

8. Two full-time teachers and one director will operate the center.

9. The subject lot is thirty feet wide. In an R-2 District, the regulations require a minimum width of forty feet. Applicant is thus requesting a twenty-five percent area variance from the lot width requirements to build on the subject lot.

10. Applicant is negotiating for the purchase of a vacant lot adjacent to the subject lot.

11. The Municipal Planning Office, by report dated October 14, 1977 and by testimony at the hearing, recommended that the application be denied, stating in part "the granting of a variance would result in a sub-standard 14 foot wide and 50 foot long building which would be out of character with the surrounding residential detached dwellings."

12. Advisory Neighborhood Commission 7C filed no recommendation on this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that no such difficulty has been demonstrated. The Board concludes that to grant the variance from the lot width requirements would result in a sub-standard building which would be out of character with the surrounding residential detached dwellings. The Board notes that the applicant is negotiating to purchase a vacant adjoining lot, which, if combined with the subject lot, would result in a conforming lot requiring no variances. The Board concludes that granting the variance would result in a substantial detriment to the public good and would substantially impair the intent purpose and integrity of the zone plan. Having determined that the variance cannot be granted, the Board therefore takes no position on the application for special exception. It is therefore ORDERED that the application be DENIED.

BZA No. 12504

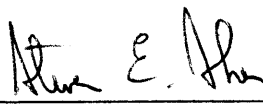
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VOTE:

(Charles R. Norris, Chloethiel Woodard Smith, William F.
McIntosh and Leonard L. McCants to deny)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

21 NOV 1977